

In re: Navarro Acevedo *et al.*
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Amendments to the Claims:

Please cancel claims 18-38.

Please amend claims 1, 5, 9, and 13 as follows:

1. (Currently amended) An isolated nucleic acid molecule having a nucleotide sequence for a promoter that is capable of initiating transcription in a plant cell, ~~wherein said nucleotide sequence for said promoter is selected from the group consisting of:~~
 - ~~a. a nucleotide sequence comprising the sequence set forth in SEQ ID NO:3;~~
 - and
 - ~~b. a nucleotide sequence that hybridizes under stringent conditions to the sequence of a), wherein said stringent conditions comprise hybridization in 50% formamide, 1 M NaCl, 1% SDS at 37°C, and a wash in 0.1X SSC at 60 to 65°C.~~
2. (Previously presented) A DNA construct comprising the nucleotide sequence of claim 1 operably linked to a heterologous nucleotide sequence of interest.
3. (Original) A vector comprising the DNA construct of claim 2.
4. (Original) A host cell having stably incorporated in its genome the DNA construct of claim 2.
5. (Currently amended) A method for inducing expression of a heterologous nucleotide sequence in a plant, said method comprising transforming a plant cell with a DNA construct comprising said heterologous nucleotide sequence operably linked to a promoter that is capable of initiating transcription in a plant cell in response to a stimulus, regenerating a stably transformed plant from said plant cell, and exposing said plant to said stimulus, wherein said promoter comprises ~~a nucleotide sequence selected from the group consisting of:~~
 - ~~a. a nucleotide sequence comprising the sequence set forth in SEQ ID NO:3; and~~

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~~b. a nucleotide sequence that hybridizes under stringent conditions to the sequence of a), wherein said stringent conditions comprise hybridization in 50% formamide, 1 M NaCl, 1% SDS at 37°C, and a wash in 0.1X SSC at 60 to 65°C.~~

6. (Original) The method of claim 5, wherein said plant is a monocot.

7. (Original) The method of claim 6, wherein said monocot is maize.

8. (Original) The method of claim 5, wherein said plant is a dicot.

9. (Currently amended) A plant cell stably transformed with a DNA construct comprising a heterologous nucleotide sequence operably linked to a promoter that is capable of initiating transcription in said plant cell, wherein said promoter comprises a ~~nucleotide sequence selected from the group consisting of:~~

~~a. a nucleotide sequence comprising the nucleotide sequence set forth in SEQ ID NO:3; and~~

~~b. a nucleotide sequence that hybridizes under stringent conditions to the sequence of a), wherein said stringent conditions comprise hybridization in 50% formamide, 1 M NaCl, 1% SDS at 37°C, and a wash in 0.1X SSC at 60 to 65°C.~~

10. (Original) The plant cell of claim 9, wherein said plant cell is from a monocot.

11. (Original) The plant cell of claim 10, wherein said monocot is maize.

12. (Previously presented) The plant cell of claim 9, wherein said plant cell is from a dicot.

13. (Currently amended) A plant stably transformed with a DNA construct comprising a heterologous nucleotide sequence operably linked to a promoter that is capable of initiating transcription in a plant cell, wherein said promoter comprises a ~~nucleotide sequence selected from the group consisting of:~~

~~a. a nucleotide sequence comprising the nucleotide sequence set forth in SEQ ID NO:3; and~~

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~~b. — a nucleotide sequence that hybridizes under stringent conditions to the sequence of a), wherein said stringent conditions comprise hybridization in 50% formamide, 1 M NaCl, 1% SDS at 37°C, and a wash in 0.1X SSC at 60 to 65°C.~~

14. (Original) The plant of claim 13, wherein said plant is a monocot.

15. (Original) The plant of claim 14, wherein said monocot is maize.

16. (Original) The plant of claim 13, wherein said plant is a dicot.

17. (Previously presented) Transformed seed of the plant of any one of claims 13-16, wherein the seed comprises the DNA construct.

18 – 38 (Cancelled)